AUSA

FILED
MAY 30 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Adrian REYES-Cruz, Defendant.	Mag. Case No. '08 MJ 8481 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about May 29, 2008, within the Southern District of California, defendant Adrian REYES-Cruz, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30th DAY OF MAY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Adrian REYES-Cruz

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the apprehending U. S. Border Patrol Agent, Mario Carlos, that the Defendant, Adrian REYES-Cruz, was found and arrested on May 29, 2008, east of Calexico, California.

Remote Video Surveillance System (RVSS) Operators at the Calexico Station observed two subjects illegally enter the United States by walking across the International Boundary and approach the Alamo Check. The two suspected illegal aliens crossed the All American Canal via the Alamo Check and entered the Alamo River. The RVSS Operator informed agents via Service Radio and agents responded to the Alamo River. Agents spent several hours and were unable to locate the subjects in the thick brush of the Alamo River. Agents continued to look for the suspected illegal aliens through the night, and were still unable to find them.

Agent Carlos was advised via service radio that two subjects were walking west of the Alamo River, approximately ten yards south of Highway 98. Agent Carlos approached the subjects and identified himself as a United States Border Patrol Agent. Agent Carlos conducted a field immigration interview of the two subjects. During Agent Carlos' interview he determined that both subjects to be citizens and nationals of Mexico illegally present in the United States, one of which was Adrian REYES-Cruz. Both subjects were placed under arrest.

Record checks revealed REYES was deported to Mexico from the United States on March 19, 1999, and has a criminal record.

AB

There is no evidence ~~RAMIREZ~~ REYES has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.